

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MICHAEL D. CLARKE, )  
Petitioner, ) Case No. C04-2093-JCC-JPD  
v. )  
JAMES C. SPALDING, ) ORDER OF DISMISSAL  
Respondent. )

The Court, having reviewed petitioner's 28 U.S.C. § 2254 motion, all papers and exhibits in support and in opposition to that motion, the Report and Recommendation of the Honorable James P. Donohue, United States Magistrate Judge, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
  - (2) Petitioner's § 2254 motion is DENIED, and this action is DISMISSED with prejudice; and
  - (3) The Clerk is directed to send copies of this Order to the parties and to Judge Donohue.

DATED this 22nd day of July, 2005.

  
John C. Coughenour  
UNITED STATES DISTRICT JUDGE